

CHAPTER Y

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SECTION I: POLICY

Y.00 General

Work for Others is defined as any work performed under specific requests and authorizations by other offices, such as Traffic, Construction, Right-of-Way, Equipment and others within the Department of Transportation (Caltrans). In addition, work for others includes work for other agencies, departments and institutions within State government.

For other agency work, Caltrans usually enters into written agreements that outline the work desired and specifies the expenditures authorized.

Refer to Volume 2 of the Maintenance Manual, Family Y, for a detailed description of planning, scheduling and administration of activities contained in this chapter.

Y.01 State Park Roads

It is Caltrans policy to require the Department of Parks and Recreation to finance all work on roads in State parks that are under their jurisdiction. While such work is not financed from State Highway Funds, it may be performed by Caltrans forces under authority of an annual Interagency Service Agreement (Standard Form 13) and a covering 926XXX Expenditure Authorization.

The work to be performed must conform to that authorized in the Interagency Agreement and is to be restricted to the locations specified therein. Work is not to be undertaken without written request from the local Park Superintendent. Such request will not require advance approval by the Maintenance Program.

Agreements should be written to specify that routine patrol and surveillance activities are to be performed by the Department of Parks and Recreation. Written requests from the Park Superintendent should then outline the desired work and specify the expenditure authorized therefore. Such authorized expenditures are not to be exceeded without prior approval by the Local Park Agency. Also, the overall expenditure must not exceed funds allotted under the 926 Expenditure Authorization. Every effort should be made to expedite billings to the Department of Parks and Recreation to permit them to re-allocate unexpended balances to other needed work.

Special consideration should be given in the agreement for the possible need of a periodic, in-depth, inspection of bridges and structures by the technical staff of the Division of Structures. At this time, it is unlikely that the Department of Parks and Recreation has adequate staff personnel qualified to inspect and recommend future preventative maintenance program needs. The basic agreement should include a statement that needed inspections are authorized without the need for additional written requests from the Park Superintendent.

Y.02 Work for Other Agencies--" 926 " Authorizations

Accommodation work may be performed for individuals, firms, or political subdivisions of the State.

A sum, sufficient to cover the estimated cost must be deposited by an individual, or firm as a prerequisite. Work for a city or county may be arranged for under cash deposit, special agreement, or purchase order. Work for other State agencies is usually authorized by execution of Form 13, Interagency Service Agreement. These agreements constitute contracts entered into by the Department of Transportation and the other agencies and, as such, must be rigidly adhered to as to amount, type and extent of work to be performed, time limits, etc. No deviation from the terms of an Interagency Agreement is permitted without the approval of the contracting agency and the Department of Finance.

The work to be performed under any of the above arrangements is not to be undertaken until the work order is issued or advance approval is otherwise obtained. "Blanket" work order numbers for recurring work performed by maintenance forces occur in 930XYX, 938XXX, 961200, 962200 and 964059. Current blankets, can be checked with your District Project Control Officer. Consecutively numbered specific "926" work orders are issued for work not covered under the assigned blanket allotments. All of these work orders are used in conjunction with the MMS "Y" family/problem on the FA 83.

Y.03 Minor Improvement and Betterment Work

Minor improvement or betterment work, while frequently performed by maintenance forces, is under the control of the Office of Construction.

This work consists of minor construction of immediate necessity, including but not limited to such items as:

- (1) Improve grade or widen roadbed, including shoulders.

- (2) Correct sub-drainage, stabilize base, import select materials on sections with poor base.
- (3) Improve sight distances.
- (4) Extend old or install additional or larger capacity culverts.
- (5) Benching or flattening cut slopes in connection with slide or slipout correction.
- (6) Improve bridge decks.
- (7) Install guardrail or other safety devices.
- (8) Place rip-rap, slope paving, etc., for erosion control or bank protection.
- (9) Installation of horizontal drains.

Requests for small project or minor construction allotments to be performed under day labor, and final reports thereon, should be submitted in the form prescribed by the Office of Construction.

The Day Labor Law, requires that final report on work in excess of \$15,000, shall be filed within 60 days, with the county clerk in the county in which the public work is performed, or if the engineer maintains an office in the county where the work is performed, then in such office.

Y.04 Work for Office of Right-of-Way

Work, for the Office of Right-of-Way on excess land, or in fulfillment of a right-of-way obligation subsequent to construction, will be undertaken, only upon instructions from the District Right-of-Way Agent as to the work to be performed, and the Right-of-Way work order against which the charges are to be applied. Such work located outside the fenced right of way area, must be limited to such items as weed clearance, removal or diseased trees, building of barricades, filling of dangerous holes. Construction, such as the building of chain link fences, shall not be included in this category of work.

Y.05 Final Reports on Contracts and Day Labor Work

Final reports on all contracts and day labor work, financed under Minor Improvement Betterment or other Construction funds, are to follow the form prescribed by the controlling office.

SECTION II: PERMITS

Y.06 General

The Department of Transportation is vested with full possession and control of all State highways, and all property and rights in property acquired for State highway purposes pursuant to Sections 90 and 92 of the Streets and Highways Code.

All work performed under the maintenance family designation "Y5" is administered by Office of Permits of the Division of Traffic Operations.

In order to preserve capital investment, ensure maximum safety to the traveling public and to protect adjacent property, legislative and policy limitations have been placed on the use of highways and rights-of-ways.

Exceptions to these limitations can only be authorized by written permits issued after thorough evaluation has established the exception is not contrary to public interest or safety.

Y.07 Maintenance Levels

The efficient processing of permit applications is mandatory to provide a necessary level of service and to maintain good public relations.

Work performed under encroachment permits should be inspected to ensure compliance with the terms of the permit.

Y.08 Encroachment Permits

Y.08.1 Statutory Authority

Authority to control encroachments within State highway right-of-way is contained in Chapter 3, Division 1. Article 1, 2, 2.5 and 3 of the Streets and Highways Code. Definitions of the term "Highway" and "Encroachment" are quoted from Section 660 of said Code as follows:

- (A) The "highway" includes all or any part of the entire width of right-of-way of a State highway, whether or not such entire area is actually used for highway purposes.

- (B) The term "encroachment" includes any tower, pole, pole line, pipe, pipeline, fence, billboard, stand or building, any structure or object of any kind or character not particularly mentioned in this section, or special event, which is placed in, under or over any portion of the highway. "Special Event" means any street festival, sidewalk sale, community-sponsored activity, or community approved activity."

Y.08.2 Encroachment Permit Manual

The Division of Traffic Operations has issued an "Encroachment Permit Manual of Policy, Procedures, Rules and Regulations" for use in issuing permits. This manual should be consulted for detailed information concerning encroachment permits.

Y.08.3 Work Requiring Permits

It is unlawful for any person to perform any of the following acts within State highway right-of-way without a valid encroachment permit obtained from the office of the District Director having jurisdiction over the State highway involved.

- (1) Make an opening or excavation for any purpose in any State highway.
- (2) Place, change or renew an encroachment.
- (3) Place or display in, under or over any State highway any kind of advertising sign or device.
- (4) Plant, remove, cut, cut down, injure or destroy any tree, shrub, plant or flower growing within any State highway.
- (5) Install or remove tire chains upon motor vehicles for compensation.
- (6) Occupy State highway right-of-way for any use or purpose or interfere with or obstruct highway traffic in any manner not authorized by law.

The State may require a permit and bond for, or require the removal of any encroachment in or on any part of a State highway, except that no bond is required from public agencies as provided for in Section 678 of the Streets and Highways Code.

Y.08.4 Salvage Operations

Individual salvage permits (Form DM-M-P-206) are required for each specific return to an accident scene to salvage wrecked vehicles and their loads by an owner or authorized agent. The salvage permit may be issued by the local Maintenance superintendent's office. In addition, a transportation permit is required for over-length or over-weight tows.

Salvage permits are not required in cases where:

- (1) the life or safety of vehicle occupants is involved;
- (2) it is to recover victims;
- (3) wrecked vehicles or their loads are blocking the highway; or
- (4) a law enforcement officer orders removal from alongside the highway.

Y.08.5 Chain Installer Operations

Encroachment permits to allow chain installers in the right of way are necessary for the benefit of motorists traveling in snow areas. These permits are authorized by Section 670 of the Streets and Highways Code.

Experience has indicated that for the benefit of, both the motorist and the Department of Transportation, the encroachment permit allowing their operation should include firm control over the permittee.

Y.08.6 Business or Private Property Road Approaches

A property owner or person in control of property, who desires to construct a driveway or road approach to a State highway, must first secure an encroachment permit. When a permit has been granted to construct a driveway or road approach to private property, the property owner is responsible for maintaining the approach between the property line and the improved shoulder.

These private approaches and driveways shall be maintained flush with the adjacent shoulder.

When the ownership of a business or adjacent land has changed, the new owner may be unaware of the permit provisions for maintaining the approach to this private driveway. In such cases, the Superintendent or District office personnel should make the provisions known to the new owner, and fully explain, the new owner's responsibilities.

District forces should be on alert during the early stages of construction of service stations and other roadside improvements that may require a driveway connection to the State highway.

The owners of these new businesses should be informed of the permit provisions, the requirements for our standard driveway and setback regulations.

The owner or person in control of the abutting property is responsible for maintaining private road approaches.

Encroachment permits for private driveways are, by their terms, revocable for failure to comply with their provisions. Such revocations should not be used except as a last resort, and with the approval of the District Director. The possibility of revocation should, however, be called to the attention of the person involved.

Y.08.7 Public Road Approaches

A permit is necessary whenever city or county authorities wish to perform work on a road approach within the State highway right-of-way. Where county roads and city streets connect at grade with State highways, our forces will maintain the roadway to the full width of the right of way. Where the intersections of State highways with county roads and city streets are separated by structures, the maintenance in these locations will be as provided in the maintenance agreement with the local authorities. When a new road or street approach is to be constructed by city or county authorities, connecting with a State highway, it shall be constructed or improved to meet the standards required for the type and volume of traffic expected.

Local authorities will be expected to provide signs and safety devices required by the District traffic engineer for traffic entering the State highway from new subdivisions or new county road connections, as well as any directional or warning signs necessary for State highway traffic.

Y.08.8 Rural Mailboxes

Caltrans has full control of encroachments within the right-of-way, including rural mailboxes.

For the convenience of the public, rural mailboxes are permitted in the right-of-way under an encroachment permit.

The following postal regulations apply to rural mailboxes:

POSTAL MANUAL
U.S. Post Office Department

Section 156.54 - Location

Rural boxes, must be placed so that they may be conveniently served by carriers without leaving their conveyances, and must be located on the right-hand side of the road in the direction of travel of the carriers in all cases where traffic conditions are such, that it would be dangerous for the carriers to drive to the left in order to reach the boxes, or where doing so, would constitute a violation of traffic laws and regulations. On new rural routes, all boxes must be located on the right of the road in the direction of travel of the carrier. Boxes must be placed to conform with, State laws and highway regulations. Patrons must remove obstructions, including snow that, make delivery difficult.

Section 156.55 - Grouping

Boxes should be grouped wherever possible, especially at or near crossroads or at other places where a considerable number of boxes are located.

Persons desiring the benefits of service on a rural mail delivery route are required by the Post Office Department to furnish, erect, and properly maintain mailboxes for the reception of mail. The Department wishes to cooperate with the Postal Service in permitting mailboxes at locations convenient to mail carriers and, at the same time, not interfere with highway maintenance operations.

Owners of mailboxes are encouraged to place them in a group, so that they can be serviced by the carrier, at one stop. Where a group installation is already in place, a new box owner should be required to install his box in the same location. New installations are preferred on the far right-hand side of an intersection.

Maintenance forces shall provide suitable surfacing between the roadway and a group of mailboxes. This surfacing shall conform to the adjoining shoulder material, except where there is an earth shoulder. In this case, sufficient gravel surfacing may be placed.

Mailboxes shall not be positioned so as to obscure highway signs or interfere with maintenance operations.

Supports for mailboxes should be a breakaway or a forgiving design. Generally, the wood support, if without breakaway modification, should be no larger than 4 inches x 4 inches (101.6 x 101.6 millimeters). Maximum inside diameter of steel pipe, should be no more than 1 1/2 inches (38.1 millimeters). Axles, plows, crankshafts, etc., should not be used as they are potentially severe to hit. Multiple box installations should be located, where possible, off of the State highway. If this is not possible then individual supports for each mailbox shall be used.

Mailboxes and supports shall be manufactured according to U.S. Post Office specifications.

Mailboxes on Freeways - Except in unusual circumstances, mailboxes will not be allowed on new expressways or full freeways. When a freeway is constructed on new alignment, there will be no mailbox problem as access rights have previously been acquired and a new highway in this category would not be selected for a rural mail route. In cases where a two-lane highway is converted into an expressway with access controlled, mailboxes must be removed and erected on the new rural mail route, which will be established on frontage roads. When no frontage road has been provided, rural mailboxes may be placed at a convenient location near an interchange or grade separation structure. The most desirable location at an interchange would be on county road section beyond the highway right-of-way.

However, the exact location should be determined by the District in cooperation with the local Postmaster.

These requirements also apply to newspaper boxes where appropriate.

Y.08.9 Inspection and Report on Permits

Work performed under issued encroachment permits, is normally inspected by the permit staff.

However, in some cases, superintendents, supervisors or assigned inspectors, shall inspect details of work performed under permit. Certain types of permit work require a greater degree of inspection, which superintendents and supervisors are unable to provide.

In those cases the permit engineer should be advised when issuing the permit, to ensure that competent and adequate inspection is provided. All violations of permit conditions are to be reported immediately to the district permits office.

Y.08.10 Franchise

A franchise is the right to exercise a certain privilege in the public highways for a definite period of time.

Facilities may be required to relocate when highway needs so require, at the expense of the franchise holder.

For our purposes franchises are of two kinds:

- (A) Those that require approval of the Department.
- (B) Those that do not require approval.

Written approval of the Department is required as a condition precedent to granting a franchise on a State highway freeway. In cases where written approval of the Department is necessary, Caltrans is required to approve or reject the city's or county's request for approval within 90 days after the application is filed. Failure of the Department to act upon any such application shall be deemed to constitute approval thereof.

The only exception made to this requirement, is that a franchise may be granted by a city or county over the common area of an intersection without written approval.

On State highways that are not freeways, written approval of Caltrans is not required for franchise other than street railways or railroads.

The city or county shall give Caltrans 10 days written notice of its intention to grant any franchise. (See Streets and Highways Code 688.)

Y.08.11 Commercial Use of Right-of-Way

State highway right-of-way, may not be used for commercial purposes, except road approaches to commercial property off the right-of-way, and public utility or other public service facilities, are allowed on the right of way under permit, when not restricted by access controlled right-of-way (freeways and expressways).

Service stations and other roadway vending establishments shall be set back on private property, to allow sufficient width for service driveways outside of the right-of-way. Where such establishments are not so set back, permits shall not be issued for servicing vehicles within the limits of the right of way.

Permits for the construction of driveway approaches to service stations will not be issued unless a clear distance of at least 10 feet (3.048 meters) is provided between the gasoline pump block and the property line.

Vending within highway right-of-way from any vehicle or structure is prohibited under Section 731, of the Streets and Highways Code. Assistance of the California Highway Patrol should be requested in persistent cases.

Storage tanks, loading platforms, private truck scales, etc. are not allowed in the right-of-way.

Permits may be granted to public transportation agencies to construct bus passenger waiting shelters on the rights-of-way of conventional highways.

Y.08.12 Procedure on Unauthorized Encroachment

When work not covered by permit is being performed within the right-of-way, contact the party responsible and explain the requirements in a friendly manner. If the work is minor in character and conforms with policies, does not affect the safety of traffic, or condition of the highway, and if the operator is willing to follow the recommendations of the Maintenance superintendent, it may be allowed to proceed upon execution of an application for permit. This does not apply to removal or trimming of trees or work that will affect the roadway or general appearance of the highway.

If the encroachment does affect the roadway, safety of traffic, appearance or future development of the highway, and the operator does not discontinue the work until a permit is secured the following procedures shall be followed:

- (A) An encroachment notice shall be posted at the work;
- (B) A copy of the encroachment notice shall be delivered to the operator before a friendly witness;
- (C) The details of the encroachment shall be immediately referred to the District Division Chief of Maintenance.

The District Division Chief may consider the advisability of initiating civil action to collect costs, to remove, enjoin, or otherwise resolve the situation. Field forces will not take removal action under an encroachment notice without specific instructions by District Maintenance.

However, field Maintenance forces may summarily remove encroachments within the right-of-way which consists of refuse or is an advertising sign (except legal notices). (See S&HC Section 721 and Chapter D1 for more details).

Y.09 Transportation Permits

Y.09.1 Statutory Authority

Division 15, of the California Vehicle Code, contains statutory limitation on size, weight, and loading of vehicles. Section 35780 grants discretionary authority to Caltrans to issue special permits in writing upon written application to exceed these limitations on State highways when good cause appears. This authority is delegated to the Department and is administered by the Office of Permits of the Division of Traffic Operations. It is unlawful to operate or move any non-exempt vehicle or load exceeding legal limitations or duly posted weight limits without a special permit referred to as a Transportation Permit.

Section 35795, of the Vehicle Code, provides that the Department of Transportation may charge a fee for the issuance of transportation permits. The fee schedule shall produce estimated revenue not to exceed the total cost to the Department for administering the issuance of transportation permits.

Y.09.2 Transportation Permit Manual

Detailed information on the issuing of transportation permits by the Department can be obtained in the Manual of "Policy, Procedures, Rules and Regulations for Use in Issuing Transportation Permits."

Y.09.3 Issuing Offices

All District Permit offices may process applications and issue transportation permits.

Applications for permits may be delivered by permit applicants or by approved "Permit Services" on their behalf. Permits are issued at the District Permit office and may be picked up by permittee, or by a "Permit Service". Transmission of permits by facsimile machine to an approved permit receiving station may only be done by a Permit Service (not Caltrans).

Y.09.4 Overload Charts

The Office of Structures Maintenance has charted all bridges on the State highway system and assigned capacity ratings to all structures which control the amount of overload that may be authorized under permit across the given structure. The various routes are classified as capable of carrying red, orange, green or purple loading, as detailed on district maps.

Y.09.5 Procedure on Control of Illegal Loads

When any of the following occurs, Caltrans personnel shall immediately notify the Highway Patrol of suspected non-compliance with permit requirements:

- (A) An oversize or overweight load is observed moving over a State highway without permit;
- (B) The oversize or overweight load is not moving in compliance with a permit;
- (C) Caltrans receives a report regarding an oversize or overweight vehicle.

A full record should be kept of damage to highway facilities by unauthorized extra-legal movements or permitted operations so that action may be taken to collect cost of repairs from the responsible party. Information on bridge hits should be telephoned to the District Transportation Permit Office to insure that permit compliance program action will be taken.